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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,784	09/30/2003	Mitchell A. Bauman	RA 5469	6550

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EXAMINER

SHIN, CHRISTOPHER B

ART UNIT PAPER NUMBER

2182

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,784

Applicant(s)

BAUMAN ET AL.

Examiner

Christopher B. Shin

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 9-30-2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Taylor (US 2003/0145210).

a. In figures 2-3 and the respective descriptive sections teach the representations of data structures used for locking for shared resources. The following teachings are interpretations of the claims and the teachings of the Taylor reference used by the examiner that reads on the teachings of the claimed invention.

b. Applicant should carefully consider the entire teachings of the Taylor reference before responding to this office action. The present claims are broad and that the teachings of the Taylor reads on the broad claims. For example, the figures 4-9 and the respective descriptive sections further teach a specific operations/functions of the claimed invention.

Claims 24-32 Taylor (figures 2-3)

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- System for controlling the manner in which requests are provided to a shared resource
 - Feature of figure 2
- Type of requests
 - Feature of Read or Write types of requests of (50, 70, 72, 90, 110)
- Threshold value
 - Numbers of requests that are limited and utilized by (50, 70, 72, 90, 110)
- One or more storage devices, each to store a respective threshold value that is associated with one or more types of requests
 - Features of (50, 70, 72, 90, 110) store requests/values in memory that are functional equivalents to threshold value
- Each threshold value indicating a cumulative number of requests of the associated types that may gain access to the shared resource at any given time before the threshold value is reached
 - Feature of (50, 70, 72, 90, 110) with storage having requests/values with limited/allowed number of requests
- Load control logic coupled to each of the storage devices to receive requests, and to allow each request to gain access to the shared resource if the type of the request is associated with a threshold value that has not yet been reached
 - Feature of (50, 70, 72, 90, 110) with storage having request/values with limited/allowed number of requests
- Live-lock logic coupled to the load control logic to selectively elevate the status of a request that is of a type associated with one or more thresholds values that have been reached, thereby allowing the request to gain expedited access to the shared resource
 - Feature of 7 [0055] utilized in the well known common knowledge of live-lock handling technique (see examiner cited references)

c. As for the apparatus claims 24-43, as can seen from the above teachings that represents the interpretations of the claims & the teachings of the Taylor reference, the teachings of the Taylor reference reads on the limitations of the claimed invention, when interpreted by the examiner. Since the Taylor reference teaches all the limitations of the claimed limitations, the claimed invention is clearly anticipated by teachings of the Taylor reference.

d. As for the method claims 1-23, the teachings of the claims 24-43 are similarly applied.

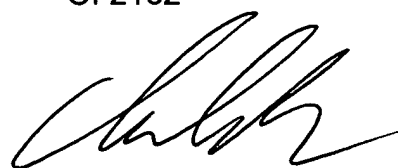
e. The examiner also notes that the live-lock conditions are inherent or natural characteristics of the locking mechanism and remedies or solutions for such characteristics are commonly and naturally utilized in the locking mechanism environment. The examiner takes official notice on such characteristics. See the examiner cited prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Shin
Primary Examiner
Of 2182



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